

RANDOLPH GAW (S.B. #223718)
rgaw@gawpoe.com
MARK POE (S.B. #223714)
mpoe@gawpoe.com
JOSHUA KO (S.B. #235331)
jko@gawpoe.com
VICTOR MENG (S.B. #254102)
vmeng@gawpoe.com
SAMUEL SONG (S.B. #245007)
ssong@gawpoe.com
GAW | POE LLP
4 Embarcadero, Suite 1400
San Francisco, CA 94111
Telephone: (415) 766-7451
Facsimile: (415) 737-0642

Attorneys for Plaintiff Logan Berrian

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

LOGAN BERRIAN,

Plaintiff,

v.

TAKATA CORPORATION, and TK
HOLDINGS, INC.

Defendants.

Case No. 3:17-CV-03632

COMPLAINT

JURY TRIAL DEMANDED

Plaintiff Logan Berrian hereby makes the following allegations against defendants Takata Corporation and TK Holdings, Inc. (collectively, "Defendants"), arising out of Defendants' criminal conduct in knowingly selling defective airbag inflators manufactured by them. Mr. Berrian has suffered severe injuries caused by one of these airbag inflators, and seeks relief from Defendants as alleged herein.

PARTIES

1. Plaintiff Logan Berrian is an individual domiciled in Alameda County, California.
2. Defendant Takata Corporation is a corporation incorporated under the laws of Japan with its principal place of business in Tokyo, Japan. Takata Corporation is a specialized

1 supplier of automotive safety systems that designs, manufactures, tests, markets, distributes, and
2 sells airbags.

3 3. Defendant TK Holdings, Inc. is a wholly-owned subsidiary of Takata Corporation,
4 incorporated under the laws of Delaware with its principal place of business in Auburn Hills,
5 Michigan. TK Holdings, Inc. was primarily responsible for the development, testing, and
6 production of airbag inflators that Takata Corporation sold in North America, including airbag
7 inflators sold in the United States

8 **JURISDICTIONAL STATEMENT**

9 4. The Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332(a) because all
10 defendants are citizens of a foreign state or domiciled in a foreign state, and the amount in
11 controversy exceeds \$75,000.

12 5. Venue is proper in this district pursuant to 28 U.S.C. § 1391 because a substantial
13 part of the events giving rise to the claim occurred in this district.

14 **INTRADISTRICT ASSIGNMENT**

15 6. The injury to Mr. Logan caused by Defendants' defective airbag inflator took
16 place in Alameda County.

17 **FACTUAL BACKGROUND**

18 7. Mr. Berrian is a resident of Alameda County. On December 19, 2016, he was
19 driving his car, a 2009 Toyota Yaris, when another car approaching from the opposite direction
20 suddenly made a left turn into his Yaris, causing a collision.

21 8. The impact of the collision caused the airbag in Mr. Berrian's Yaris to deploy.
22 Unfortunately for him, his Yaris used defective airbags manufactured by Defendants, as
23 confirmed by a check of the Yaris's vehicle identification number against a list of recalled
24 automobiles maintained by the National Highway Traffic Safety Administration.

25 9. As summarized in a guilty plea made by Takata Corporation to the United States
26 government on or around January 13, 2017, Defendants had knowingly sold defective airbag
27 inflators to their automobile manufacturer customers, such as Toyota. Starting in at least 2000,
28

1 Defendants were aware that their airbag inflators were defective, but covered up these problems
2 by deliberately submitting false safety reports concealing the true condition of these inflators.

3 10. Specifically, Defendants knew, and covered up, the fact that their airbag inflators
4 would often rupture, thereby exploding with excessive force, which would cause grievous injuries
5 to the occupants of the vehicles employing those airbags.

6 11. Mr. Berrian experienced that phenomenon for himself. His airbag exploded with
7 tremendous force, causing severe injuries to him. In an automobile accident where the other
8 driver walked away without a scratch (and with barely any damage to his car), Mr. Berrian
9 suffered several herniated discs, fractured ribs, a broken clavicle, and various other injuries.

10 12. To this day, Mr. Berrian is in pain 24 hours a day, 7 days a week, and it is greatly
11 uncertain as to whether he will ever fully recover from these injuries.

12 **FIRST CLAIM FOR RELIEF**
13 **(Strict Products Liability)**
14 **(Against All Defendants)**

15 13. Mr. Berrian hereby re-incorporates and re-alleges all the preceding paragraphs as
16 if fully set forth herein.

17 14. Defendants manufactured and sold their airbags to various automobile
18 manufacturers, including Toyota Motor Corp., who in turn installed one of those airbags into Mr.
19 Berrian's Toyota Yaris.

20 15. Defendants' airbags, including the one installed in Mr. Berrian's Toyota Yaris,
21 were defective when they left Defendants' possession. Defendants knew that these products were
22 defective, would rupture, and explode with excessive force. Defendants valued profits above all
23 else, however, and sold these products anyway and submitted false reports concealing the true
24 condition of these products.

25 16. Mr. Berrian was harmed when Defendants' airbag in his Toyota Yaris deployed.
26 Mr. Berrian experienced severe physical injuries along with pain and suffering. Mr. Berrian has
27 also experienced great emotional distress, and his physical injuries have adversely affected his
28 ability to work, thereby hurting his economic prospects. Mr. Berrian has also incurred medical
bills as a result of these injuries.

1 17. Mr. Berrian's damages were caused by Defendants' defective airbag. Had that
2 airbag deployed properly, he would have not been injured at all.

3 **SECOND CLAIM FOR RELIEF**

4 **(Negligence)**
5 **(Against All Defendants)**

6 18. Mr. Berrian hereby re-incorporates and re-alleges all the preceding paragraphs as
7 if fully set forth herein.

8 19. Defendants designed and manufactured the airbag used in Mr. Berrian's Toyota
9 Yaris.

10 20. Defendants were negligent in designing and manufacturing the airbag used in Mr.
11 Berrian's Toyota Yaris. Defendants were aware of substantial safety defects with the product,
12 covered up those defects, and sold the product heedless of the harm it would do to consumers.

13 21. Mr. Berrian was harmed when Defendants' airbag in his Toyota Yaris deployed.
14 Mr. Berrian experienced severe physical injuries along with pain and suffering. Mr. Berrian has
15 also experienced great emotional distress, and his physical injuries have adversely affected his
16 ability to work, thereby hurting his economic prospects. Mr. Berrian has also incurred medical
17 bills as a result of these injuries.

18 22. Mr. Berrian's damages were caused by Defendants' defective airbag. Had that
19 airbag deployed properly, he would have not been injured at all.

20 //

21 //

22 //

23

24

25

26

27

28

PRAYER

WHEREFORE, Plaintiff Logan Berrian prays for judgment as follows:

1. For judgment against defendants Takata Corporation and TK Holdings, Inc.;
2. For compensatory damages according to proof;
3. For special damages according to proof;
4. For punitive damages in an amount to be determined;
5. For attorney's fees and costs; and
6. For such other and further relief as the Court deems just and proper.

Dated: June 23, 2017

GAW | POE LLP

By: 

Randolph Gaw
Attorneys for Plaintiff Logan Berrian

1 Plaintiff Logan Berrian hereby demands a jury trial for its claims against defendants
2 Takata Corporation and TK Holdings, Inc.

3
4 Dated: June 23, 2017

GAW | POE LLP

5
6 By: 

7 Randolph Gaw
8 Attorneys for Plaintiff Logan Berrian
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28